

Remarks

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

First the applicant's attorney William Collard expressly thanks Examiner Morgan for the interview on June 17, 2010, wherein the applicant's attorney hereby adopts the Examiner's statement of the substance of the interview filed on June ,21, 2010. Since the interview, the claims have been amended more extensively and are now being presented to the Examiner for review. This paragraph therefore forms the response to the statement of the substance of the interview.

In the December 22, 2010 office action, the Examiner rejected the drawings. The claims, particularly claim 28 has been amended to overcome this rejection, by removing the terms "first housing" and "second housing" and instead inserting the term "cup" and "housing therefor. Therefore it is respectfully submitted that this rejection has been overcome.

The Examiner has objected to claims 28-30. Claims 28-30 have been amended to overcome this objection. In particular as described above claims 28-30 have been amended to change the terms "first housing" and "second housing" to "cup" and "housing".

The Examiner has rejected claim 28-30 under 35 U.S.C. 112 first paragraph. As stated above claims 28-30 have been amended to change the term "first housing" and "second housing"

to “cup” and “housing”. Therefore, it is respectfully submitted that these rejections have been overcome. In particular, the term “cup” is clearly supported in the specification for example the term cup is recited in the specification on page 1 line 27. The term housing is recited in the specification on page 6 lines 16 and 17, on page 7 line 27, on page 9 line 19.

The Examiner has rejected claims 28-30 under 35 U.S.C. 112 second paragraph. The claims have been amended to overcome these rejections.

In addition the Examiner has objected to claims 14-17, 20-22, and 24. Claim 14 has been amended to overcome this rejection.

The Examiner has rejected claims 14-17 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,859,979 to Egger.

In the rejection the Examiner admits the following:

Egger discloses the claimed invention except for the housing comprising a casing element separate from said cup. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to make the hinge cup into two pieces, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. See MPEP 2144; *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). The hinge cup houses the braking means between the base plate and the hinge cup, and also attaches to the hinge arm 2. It would have been obvious to one of ordinary skill in the art to separate the part of the hinge cup that attaches to the base plate from the part of the hinge cup that attaches to the arm.

The applicant respectfully traverses this rejection. It is respectfully submitted that claims 14 and 28 have been amended to overcome this rejection. In particular, Egger does not disclose a separate housing which is separate from the hinge cup. For this to be possible, the housing comprises a casing that is separable wherein the housing is separate from the hinge cup. This allows the cup to be removed from the housing, while still allowing the housing to enclose the damping means. This type of functionality is not possible with Egger.

It is respectfully submitted that the claims as written are not obvious in view of the above cited reference. In particular, the court in *In Re Dulberg* states:

As stated by the board, the Peterson structure fully meets the terms of the appealed claims if the cap which is said to be "press fitted" is removable. Appellant contends that in a press fit the parts fit so tightly that they cannot be manually removed and that accordingly one end of Peterson's assembly is permanently closed by the cap, so that there is no opening extending longitudinally through the holder, as required by the claims.

See *In re DULBERG*, 129 USPQ 348 (C.C.P.A. 1961)

It is respectfully submitted that the Court in *In Re Dulberg* only made this conclusion because the designs were otherwise identical.

It is respectfully submitted that the facts with the present invention are entirely different. With the present invention as claimed in claim 14 and also claimed in claim 28, there is no separate casing which is removable from the cup. In addition, the casing of the Egger patent does not form a separate housing "enclosing said slider" as claimed in claims 14 and 28.

Therefore, it is respectfully submitted that the present invention as claimed in claims 14 and 28 is patentable.

The Examiner has also rejected claims 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Egger in view of Martin. It is respectfully submitted that because the present invention as claimed in claims 22 and 24 depend ultimately from claim 14 and claim 14 is allowable, it is respectfully submitted that these claims are allowable as well.

The Examiner has rejected Claim 28 as being unpatentable over Egger. The Examiner has asserted that the element number 6 which is known as a base plate 6 is a “housing”. It is respectfully submitted that this “plate” is not a housing in any form. In addition, it is respectfully submitted that Egger does not disclose the following features of claim 28:

a ~~second~~ housing comprising a casing and a base;...

a viscous medium disposed in said ~~second~~ housing;

wherein said ~~first housing~~ cup is separate from said ~~second~~ housing, and wherein said ~~second~~ housing encloses said slider, said ~~second~~ housing comprises comprising a said casing element being separate from said ~~first housing~~ cup such that when said cup is moved away from said housing, said casing remains coupled to said base, said casing and serving to guide the movement of said slider, damping moving elements, and said kinematic element for motion conversion,

Therefore, it is respectfully submitted that the present invention as claimed in claim 28 is patentable over the above cited document.

In addition, regarding claims 29 and 30 it is respectfully submitted that because these claims depend from claim 28 and because claim 28 is considered allowable, it is respectfully submitted that these claims are allowable as well.

Furthermore, claims 31 and 32 are being added. It is respectfully submitted that these claims are allowable as well. Support for new claims 31 and 32 are found in the specification. For example, claim 31 is supported by FIG. 13, FIG. 17 and FIG. 21 and also in the specification on page 9 lines 17-23. In addition, support for claim 32 is found in the specification on page 10 last line.

No new matter has been added. It is respectfully submitted that the remaining claims are patentable over the above cited patents taken either singularly or in combination.

Two new claims have been added. It is believed that no additional fee is due however the Commissioner is hereby authorized to charge Collard & Roe, P.C.'s Deposit account 03-2468 for the amount necessary for entering this response.

In conclusion, claims 1-13 have been canceled without prejudice. Claims 14 and 28-30 have been amended while claims 31 and 32 have been added. No new matter has been added. Therefore, early allowance of the remaining claims is respectfully requested.

Respectfully submitted,
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